

## THE CITY OF CLAYTON

Board of Aldermen  
City Hall – 10 N. Bemiston Avenue  
June 10, 2014  
7:05 p.m.

### Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Michelle Harris, Cynthia Garnholz, Mark Winings, Joanne Boulton, Alex Berger III, and Richard Lintz.

Mayor Sanger  
City Manager Owens  
City Attorney O'Keefe

**Alderman Winings moved to approve the May 27, 2014 minutes. Alderman Garnholz seconded.**

**The motion to approve the minutes passed unanimously on a voice vote.**

### PUBLIC REQUESTS AND PETITIONS

None

### PRESENTATIONS & ANNOUNCEMENTS

City Manager Owens announced that the City has been awarded the Distinguished Budget Presentation Award for the current year budget from the Government Finance Officers Association (GFOA). This award is the highest form of recognition in governmental budgeting and represents a significant achievement by our organization. The City of Clayton has received this award seven consecutive years. Special recognition was given to the City for performance measurements. Congratulations to Janet Watson and her team for their outstanding work.

### A MOTION TO CONSIDER APPROVING A LIQUOR LICENSE MM & P CONCEPTS, LLC DBA SAUCE ON THE SIDE AT 7810 FORSYTH BOULEVARD

City Manager Owens reported that MM & P Concepts, LLC is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, except Sundays, at 7810 Forsyth Blvd. under the name Sauce on the Side.

The Police Department has completed its review of the application and supports the issuance of the requested license. The Planning and Development department has also approved the application with no objections.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board members in order to be approved. Staff has requested that a representative be in attendance at the meeting.

Staff recommends passing a motion to approve the liquor license to sell all kinds of intoxicating liquor at retail by the drink, except Sundays.

In response to the Board's questions, Ryan Mangialordo, MM&P Concepts, stated that they are planning on opening no later than the second week of July.

**Alderman Harris moved to approve a liquor license for Sauce on the Side. Alderman Garnholz seconded.**

**The motion passed unanimously on a voice vote.**

**A MOTION TO CONSIDER APPROVING A LIQUOR LICENSE FOR EQUIS HOSPITALITY MANAGEMENT, LLC DBA HAMPTON INN & SUITES AT 216 NORTH MERAMEC AVENUE**

City Manager Owens reported that EQUIS Hospitality Management, LLC is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 216 N. Meramec Ave. under the name Hampton Inn & Suites.

The Police Department has completed its review of the application and supports the issuance of the requested license. The Planning and Development department has also approved the application with no objections.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board members in order to be approved. Staff has requested that a representative be in attendance at the meeting.

Staff recommends passing a motion to approve the liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays.

In response to the Board's questions, Mike Mullinex, RBP Clayton, LLC, owner, stated that they are planning to open on July 22.

**Alderman Harris moved to approve a liquor license for EQUIS Hospitality Management, LLC. Alderman Garnholz seconded.**

**The motion passed unanimously on a voice vote.**

**A MOTION TO CONSIDER APPROVING A LIQUOR LICENSE FOR HAYSEHIC, LLC, LLC DBA TRIBECA AT 16 N. MERAMEC AVENUE**

City Manager Owens reported that Haysehic, LLC is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 16 N. Meramec Ave. under the name Tribeca.

The Police Department has completed its review of the application and supports the issuance of the requested license. The Planning and Development department has also approved the application with no objections.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board members in order to be approved. Staff has requested that a representative be in attendance at the meeting.

Staff recommends passing a motion to approve the liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays.

In response to the Board's questions, Josh Hays and Dennis Sehic, owners, stated that the menu consists of a variety of foods, such as barbeque, salads, and protein shakes.

**Alderman Harris moved to approve a liquor license for Haysehic, LLC. Alderman Garnholz seconded.**

**The motion passed unanimously on a voice vote.**

**AN ORDINANCE TO CONSIDER APPROVING A CONTRACT WITH GERSHENSON CONSTRUCTION FOR THE BRENTWOOD/CARONDELET STREETScape PROJECT**

City Manager Owens reported that the Public Works Department is requesting approval of a construction contract for the Brentwood/Carondelet Project. This project was submitted for STP funding through the East-West Gateway Council of Governments in February 2011, and selection became official in June 2011. In late 2011, M3 Engineering Group was hired to complete the design of the project.

Through this project, streetscape will be installed along the north side of Carondelet Avenue from Brentwood Boulevard to S. Meramec Avenue and along the east side of Brentwood Boulevard from Carondelet Avenue to Forsyth Boulevard. In addition, concrete paver crosswalks will be installed at the intersections of Brentwood Boulevard with Carondelet Avenue and Forsyth Boulevard.

Bids were opened at 2:05 pm on May 28, 2014. The City received one bid as shown on the attached bid tabulation. Gershenson Construction submitted the lowest responsive, responsible bid in the amount of \$874,357.65. The bid results have been sent to MoDOT for concurrence, in accordance with the funding requirements. The final engineer's estimate for this work was \$838,532.40, so the bid came in slightly above the final estimate. In addition, the City has pre-ordered parking meters and streetlights for the project, at a cost of \$26,705.00 and \$106,716.51, respectively. This brings the total cost to \$1,007,779.16.

The Capital Improvement Fund has \$758,983 budgeted for this activity in FY 2014. During and following the project, the City will be reimbursed 80% of the costs through the STP grant, up to a cap of \$604,279. Sufficient funds are available in the CIF to cover the gap due to the bids for the Wydown Resurfacing Project coming in well under budget.

Pending MoDOT concurrence, the City Manager recommends approval of the construction contract with Gershenson Construction for the base bid value of \$874,357.65. In addition to the contract amount, the City Manager requests authorization for himself or his designated representative to approve change orders in a cumulative amount not to exceed \$100,000, which is approximately 11% of the project cost. This contingency would be used to cover expenditures to correct unknown site issues that become apparent during the project.

Recommendation is to approve the ordinance authorizing a contract with Gershenson Construction in the amount of \$874,357.65, plus a contingency in the amount of \$100,000 for the Brentwood/Carondelet Streetscape Project.

**Alderman Harris introduced Bill No. 6447, to approve a contract for the Brentwood Boulevard Carondelet Avenue Streetscape Project, to be read for the first time by title only. Alderman Garnholz seconded.**

In response to Mayor Sanger's question, City Manager Owens explained that projects are scheduled within a 20 year cycle and it is now time for improvements to this area and also the funds are now available.

In response to Mayor Sanger's question, Dale Houdeshell explained that they will be installing the newer parking meter models which should make the screens easier to read.

In response to Alderman Garnholz's question, Dale Houdeshell explained that 10-11 percent of the total cost is the standard amount for change orders. The City received only one bid due to most contractors already full with other projects and unable to take on more projects at this time.

In response to Alderman Berger's question, City Manager Owens clarified the cost of the project and explained that the City will be reimbursed 80% of the costs through a federal grant. He added that due to

the Wydown Resurfacing Project coming under budget the City is able to use those extra funds to cover the difference.

Dale Houdeshell clarified that the project did not include parking meters and lighting. He also explained that for the City's protection the contract has a one year guarantee to go back to the contractor if they determine something was not done correctly which is the standard for most contracts.

City Manager Owens added that since the project involves federal funding these guarantees are limited per their guidelines.

In response to Alderman Winings question, Steve Meyer stated that the City has used Gershenson in the past on several projects, such as the Bonhomme Streetscape project, and have been pleased with their work.

Joan Downey, 9 Tuscany Park, addressed the Board with regard to the \$100,000 contingency. City Manager Owens explained that the contingency is 11 percent of the project costs which is standard for any issue that may arise during construction. Mayor Sanger added that if use of the contingency is necessary then funds will be utilized from a previous project (Wydown Resurfacing), which came under budget to make up the difference.

**City Attorney O'Keefe reads Bill No. 6447, an Ordinance Approving a Contract With Gershenson Construction for the Brentwood/Carondelet Streetscape Project for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Harris introduced Bill No. 6447, to approve a contract for the Brentwood Boulevard Carondelet Avenue Streetscape Project, to be read for the second time by title only. Alderman Garnholz seconded.**

**City Attorney O'Keefe reads Bill No. 6447 for a second time; Alderman Harris – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6323 of the City of Clayton.**

**A RESOLUTION TO CONSIDER APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT– FUEL (FITNESS/PERSONAL TRAINING STUDIO) located at 7901 CLAYTON ROAD**

City Manager Owens reported that this is a resolution to consider approving an amendment to the Conditional Use Permit granted on November 12, 2013, for the operation of FUEL, a fitness studio at 7901 Clayton Road. FUEL occupies a 1,393 square foot tenant space within the 8,620 square foot Fur & Leather Center building.

Jeffery Brockes, owner/operator of FUEL, is requesting an amendment to the Conditional Use Permit to allow outdoor fitness activities to take place on the raised driveway area on the east side of the building.

Personal training sessions are conducted indoors between 6:00 a.m. and 9:00 p.m., seven days a week, by appointment only. The proposed outdoor activities are a component of the personal training sessions and not an organized outdoor class. Outdoor training activities are proposed between the hours of 6:50 a.m. and 7:00 p.m. seven days a week. The outdoor component of each one-hour personal training session will last between 10 and 40 minutes, weather permitting. Approximately seven to eight one-hour sessions are held on any given day. According to the applicant, four to five clients and one to two trainers will be outside at any given time. Outdoor activities include exercises using the client's own body weight (pushups, lunges, jumping jacks, etc.), various rubberized equipment and small rubber weights. All equipment is made of rubber to reduce the amount of noise produced and any possible damage to the asphalt.

Staff is of the opinion that the proposed use will not be disruptive to surrounding areas.

The Plan Commission considered this request at their May 19, 2014, meeting and voted unanimously to recommend approval under certain conditions including limiting outdoor activities to between the hours of 8:00 a.m. and 6:00 p.m. which is consistent with operating hours of other Clayton Road businesses.

Recommendation is to approve the amendment pursuant to the conditions contained in the resolution.

In response to the Board's questions, Jeffrey Brockes addressed the Board explaining that a small four-person group will sometimes use a section of the parking lot for outdoor exercise using only rubber weights/equipment. He stated that there is neither yelling nor boot camp style exercising. Mr. Brockes explained that the section of the parking lot used for exercising is actually not being used for parking and does not affect the required parking spaces.

In response to Alderman Berger's question, Mr. Brockes stated that he is not opposed to his suggestion to add "green" (bushes) screening in the area as separation from the residents and feels that it will look nice.

Margaret Murphy, 8035 Seminole, addressed the Board noting that she walks daily in the neighborhood and said that traffic on Clayton is a safety issue because drivers tend to stop to see the clients exercising in the parking lot. She said that she has also witnessed exercising in the alley ways, client parking on Central Avenue and she feels that this is a bad idea for the neighborhood.

Sallie Serkes, FUEL client, addressed that Board stating that there are never no more than four people in an exercise group which last no more than 40 minutes and that they do not exercise in the alley ways. She added that FUEL has only had one event where they set-up a tent for a few hours.

Gretchen Militello, 8112 Kingsbury, addressed the Board stating that she is a client and has been training with FUEL for five years. She said that the outside classes consist of simple exercises and they have never been in the alley ways. She added that each client has assigned parking spaces and do not park in the residential neighborhoods.

Ryan Werner, 933 S. Central Avenue, addressed the Board stating that he does not support the amendment. He said that this is not a good fit for the neighborhood and is concerned about the fitness center's outdoor exercise regime encroaching into the residential area. He fears that if the amendment is passed the exercise activity will possibly lower property values.

In response to Alderman Winings' questions, Mr. Brockes stated that they held a one-time 2-3 hour event that consisted of erecting a tent and that they have no intention of using tents in the future. He explained that listing the reason "*so I can stay in business*" on the Conditional Use Permit amendment application had no intention to increase client capacity. He explained that their facility has limited space and they strictly enforce a certain number of clients.

In response to Alderman Winings' question, Susan Istenes stated that Section 2 (8) regarding "...*audible activities...*" was stipulated and added by the Plan Commission and the intent was to not be heard by neighboring residents.

Alderman Boulton commented that there are several fitness centers that perform group outdoor exercise, particularly one across the street from her building. She said that they exercise daily, early in the morning and she cannot hear them. She said that people exercising, walking, running up and down the public areas has not decrease property values at the Crescent and the Plaza.

Joan Downey addressed the Board with her concerns of slow or distracted drivers and the safety in the area and asked who will monitor the drivers. She is in opposition to the approval because it could set precedence for other businesses to do the same. Mayor Sanger assured her that CUP are each individually assessed and do not set precedent.

Ryan Werner inquired again about the number of clients in a class.

**Alderman Berger moved to amend the resolution to include *“Foliage sufficient to substantially obscure visibility of outdoor activities shall be installed and maintained along the eastern and northern side of the premises, atop the retaining wall along South Central Avenue and along the north side of the premises.”* Alderman Garnholz seconded.**

**The motion passed unanimously on a voice vote.**

**Alderman Winings moved to amend the resolution to include *“No shelter or structure of any kind may be erected or used by Permittee other than in accord with a temporary special event permit issued pursuant to the City’s ordinance.”* Alderman Garnholz seconded.**

**The motion passed unanimously on a voice vote.**

In response to Alderman Garnholz’s question, Mr. Brockes stated that the landlord has improved the landscape on the property.

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

The following individuals have expressed interest in being appointed to or, as the case may be, continuing to serve as a member of the following Boards or Commissions of the City. Mayor Sanger has reviewed and agrees with the recommendations for appointment or reappointment to the respective Board or Commission and, therefore, submits the following nominations for the Board’s consideration.

##### Board of Adjustment

Liza Street                      Ward 1 (New appointment for a 5-year term through June 30, 2019)

##### City Plan Commission

Ron Reim                      Ward 1 (Reappointment for a 3-year term through June 30, 2017)

##### Economic Development Advisory Committee

Rick Hummell                      Ward 2 (Reappointment for a 3-year term through June 30, 2017) – Chair  
Cynthia Metcalfe                      Ward 2 (New appointment for a 3-year term through June 30, 2017)  
Brian Kinman                      Ward 2 (New appointment for a 3-year term through June 30, 2017)  
Norton Hoffman                      Ward 3 (New appointment for a 3-year term through June 30, 2017)  
Robert Kerr                      Ward 3 (New appointment for a 3-year term through June 30, 2017)

##### Parks & Recreation Commission

Ira Berkowitz                      Ward 2 (Reappointment for a 3-year term through June 30, 2017)  
Eric Schneider                      Ward 2 (Reappointment for a 3-year term through June 30, 2017)  
David LaGesse                      Ward 3 (New appointment for a 3-year term through June 30, 2017)

##### Public Art Advisory Committee

Linda Langsdorf                      Ward 1 (New appointment for a 3-year term through June 30, 2017)  
Jacob Reby                      Ward 3 (New appointment for a 3-year term through June 30, 2017)

##### NUERF

Rick Hummell                      Ward 2 (Reappointment for a 3-year term through June 30, 2017) – Chair

##### UERF

Korey Golcynski                      Police Department

**Alderman Harris moved to approve the appointments. Alderman Garnholz seconded.**

**The motion passed unanimously on a voice vote.**

Other

Alderman Harris commended the staff on the success of the Farmer's Market.

Alderman Winings reported that the Parks and Recreation Commission were presented with an idea to explore constructing a "bubble" over the pool. The Commission decided that they will not explore this idea. They will be discussing the idea of heating and cooling equipment to prolong the season of the pool.

Alderman Winings commended the staff on the Food Truck Sunday event. Wonderful job!

Alderman Boulton reported that the C the Future Livable Communities Team met and will finalize their report in September to submit to the Board.

Alderman Berger reported that C the Future Vibrant Downtown Team met and discussed funding and raising money for Shakespeare in the Street event. Morton Hoffman has volunteered to survey the downtown businesses. The group discussed bicycle sharing in the downtown area.

Alderman Berger commended Corporal Korey Golcynski on a great job communicating with the neighborhood residents regarding the Davis Place parking restrictions and also Central Presbyterian on their proactive stance to relay information to their congregants.

Alderman Lintz thanked Chief Murphy and staff on the work they are doing to coordinate parking issues related to Fair St. Louis.

Patty DeForrest gave a brief overall summary of the successful first Food Truck Sunday event.

Mayor Sanger congratulated City Clerk June Frazier on her upcoming appointment as President of the MOCCFOA-Eastern Division.

Mayor Sanger reported that he; Alderman Harris and Alderman Garnholz attended the Muni Awards where Clayton received an award for the Regional Computer Crimes Education and Enforcement Group (RCCEEG) division.

There being no further regular business the meeting was adjourned at 8:05 p.m.

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Mayor

ATTEST:

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City Clerk